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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,280	10/14/2003	Wolfgang Hirschburger	0212.66894	4919

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EXAMINER

PAUL, DISLER

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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05/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/685,280	HIRSCHBURGER ET AL.	
	Examiner	Art Unit	
	Disler Paul	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-2,5-6,12-14,16 are rejected under 35 U.S.C. 102(a) as being anticipated by Smith ("2002/0158604").

Re claim 1, Smith disclose an apparatus ("fig.1-6") comprising: a housing having a number of walls, a top and a bottom ("fig.1-2/ housing with varying walls include top and bottom"); a charger located in said housing for charging a removable battery pack of the type which is used to power rechargeable hand tools and other tools ("fig.5/(43,60); page 2[0036] line 4-7"); a receptacle operably connected to said charger and being capable of receiving a removable battery pack to be charged by said charger ("fig.6"); an audio unit for producing an audio signal located in said housing ("fig.5/(44); fig.1/in here the housing comprising (charger and, radio)") a cord and plug for connecting said apparatus to a source of AC power and a first circuit for connecting said cord to said charger and said audio unit, whereby AC power is applied to said audio unit to power the same and AC power is also applied to said charger ("fig.5(40-41); page 2[0030]")

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and more specifically circuit (40)"); a relay connected in circuit between a battery pack located in said receptacle and said audio unit; a relay connected in circuit between said cord and said audio unit ("fig.5(42)"), However, Smith fail to is silent about the specific of relay coil. However, Smith did disclose of the relay monitoring the presence of AC power being applied to said audio unit and causing said relay to open circuit and isolate said audio unit from said battery when AC power is applied to said audio unit and close circuit when AC power is not applied to said audio unit, thereby enabling said battery pack to power said audio unit when AC power is not applied thereto ("page 2[0031]/with relay and close switch I power (40) for choosing which source need current in between charger an radio"). With the above information disclose, it is inherent that there must exist such a coil in relay for doing the monitoring at the relay for supervising presence of AC power and isolating of audio.

Re claim 2, the apparatus as defined in claim 1 further including at least one AC power receptacle connected in said first circuit so that AC power can be provided to said receptacle when said cord and plug is connected to a source of AC power ("fig.5= switch circuit (40) with receptacle of AC Power plug (41)").

Re claim 5, the apparatus as defined in claim 1 wherein said audio unit comprises a radio ("fig.5/44").

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Re claim 6, the apparatus as defined in claim 5 wherein said audio unit further comprises a CD player ("page 2[0034]").

Re claim 12, the apparatus as defined in claim 1 wherein said audio unit has operating controls ("fig.1/(15-17)") and displays located in a front wall of said housing ("fig.1/displays located in front").

Re claim 13, the apparatus as defined in claim 1 further comprising an access door located in a rear wall for accessing a chamber that includes a receptacle for receiving a battery pack for charging by said charger ("fig.6").

Re claim 14, the apparatus as defined in claim 2 wherein said at least one AC power receptacle is located in a first side wall ("fig.5/with power on side wall").

Re claim 16, the apparatus as defined in claim 1 wherein said top has a recess therein with a bridging portion extending across said recess and forming a handle for carrying said apparatus ("fig.1/remote location to carry or handle the apparatus").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable by Smith ("2002/0158604") and further in view of Stanesti et al. ("2004/0155627 A1").

Re claim 3, the apparatus as defined in claim 1 with the first circuit, However, Smith fail to disclose of the further limitation including an AC to DC converter connected in said first circuit and at least one DC power receptacle connected to said converter. However, Stanesti et al. disclose of a selector circuit for which the further limitation including an AC to DC converter connected in said first circuit and at least one DC power receptacle connected to said converter ("fig.2; page 2[0025]") for the purpose of enabling the recharging by providing DC current to the plurality of batteries. Thus, taking the combined teaching of Smith and Stanesti et al. as a whole, it would have been obvious for one of the ordinary skill in the art to modify Smith by incorporating the circuit with the further limitation including an AC to DC converter connected in said first circuit and at least one DC power receptacle connected to said

converter for the purpose of enabling the recharging by providing DC current to the plurality of batteries as disclose by Stanesti et al.

5. Claims 7-11, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable by Smith ("2002/0158604") and further in view of Kelly et al. ("6,921,596").

Re claim 17, Smith disclose of An audio power unit for providing an audio output and for charging removable battery packs ("fig.1-6"), said unit comprising: a charger including a receptacle located in said housing for charging the removable battery ("fig.5/(43,60); page 2[0036] line 4-7;fig.6"); an audio unit for producing an audio signal located in said housing ("fig.5/(44); fig.1/in here the housing comprising (charger and radio)") a cord and plug for connecting said apparatus to a source of AC power and a first circuit for connecting said cord to said charger and said audio unit, whereby AC power is not applied to said audio unit ("fig.5(40-41); page 2[0030] and more specifically circuit (40)").

However, Smith fail to disclose of the further limitation of the housing a housing having a generally cuboid shape with front, rear, left and right and side walls, a top and a bottom. But, Kelly et al. disclose a system in which housing have a generally cuboid shape with

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front, rear, left and right and side walls, a top and a bottom ("fig.3") for the purpose of enabling ease of fabrication. Thus taking the combine teaching of Smith and now Kelly et al. as a whole, it would have been obvious for one of the ordinary skill in the art to modify smith by incorporating the housing have a generally cuboid shape with front, rear, left and right and side walls, a top and a bottom for the purpose of enabling ease of fabrication.

Re claim 18, the audio power unit as defined in claim 17 wherein said circuit further comprises: a relay connected in circuit between a battery pack located in said receptacle and said audio unit; and a relay coil connected between said cord and said audio unit, said coil monitoring the presence of AC power being applied to said audio unit and causing said relay to open circuit and isolate said audio unit from said battery pack when AC power is applied to said audio unit and close circuit when AC power is not applied to said audio unit, thereby enabling said battery pack to power said audio unit when AC power is not applied thereto ("page 2[0031]/with relay and close switch I power (40) for choosing which source need current in between charger an radio").

Re claim 7, the apparatus as defined in claim 1 with a shape ("*fig.1-2*"), however, Smith fail to disclose the further limitation wherein said housing has a generally cuboid shape. But, Kelly et al. disclose a system in which housing have a generally cuboid shape ("*fig.3*") for the purpose of enabling ease of fabrication. Thus taking the combine teaching of Smith and now Kelly et al. as a whole, it would have been obvious for one of the ordinary skill in the art to modify smith by incorporating the housing have a generally cuboid shape for the purpose of enabling ease of fabrication.

Re claim 8, has also been analyzed and rejected with respect to claim 7.

Re claim 9, Smith disclose of the apparatus as defined in claim 7 further comprising a frame structure, However, Smith fail to disclose of the further limitation of the frame structure that is in the shape of an open faced cuboid, with each leg being connected to two other legs at right angles, said frame structure being larger than said housing and being attached thereto at multiple connection points, said frame structure providing protection for said housing. However, Official Notice is taken that this invention is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have modified Smith by incorporating the the frame structure that is in the shape of an open faced cuboid, with each leg being connected to two other legs at right angles, said frame

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structure being larger than said housing and being attached thereto at multiple connection points, said frame structure providing protection for said housing.

Similarly claims 10-11 has been analyzed and rejected with respect to claim 9 above.

Re claims 19-21 have been analyzed and rejected with respect to claims 9-11 Respectively.

6. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable by Smith ("2002/0158604") and further in view of Nee ("5,272,431").

Re claim 4, the apparatus as defined in claim 2, However Smith fail to disclose of the further including a ground fault circuit interrupter connected in said first circuit between said at least one AC power receptacle and said cord. But, Nee disclose of a system in which the further including a ground fault circuit interrupter connected in said first circuit between said at least one AC power receptacle and said cord ("fig.9; col. 5 line 61-67") for the purpose of enabling the shutting of electrical supply to the outlet in case of occurring of spike current. Thus, taking the combined teaching of

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Smith and now Nee as a whole, it would have been obvious for one of the ordinary skill in the art to modify Smith by incorporating the further including a ground fault circuit interrupter connected in said first circuit between said at least one AC power receptacle and said cord for the purpose of enabling the shutting of electrical supply to the outlet in case of occurring of spike current as taught by Nee.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable by Smith ("2002/0158604") and further in view of Kirk ("2003/0169896").

Re claim 15, the apparatus as defined in claim 1, However, Smith fail to disclose of the further limitation wherein said cord and plug extend from a second side wall, said apparatus further including a cord wrap structure on said second side wall. But, Kirk disclose of system in which the further limitation wherein said cord and plug extend from a second side wall, said apparatus further including a cord wrap structure on said second side wall ("fig.1") for the purpose of providing the appearance and avoid leaving the audio cord or wire dangling in a loose manner by its full length. Thus, taking the combined teaching of Smith and Kirk et al. as a whole, it would have been obvious for one of the ordinary skill in the art to modify smith by incorporating the further limitation wherein said cord and plug extend from a second side wall, said apparatus further including a cord wrap structure on said second side wall for the purpose of

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providing the appearance and avoid leaving the audio cord or wire dangling in a loose manner by its full length.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-272-2222. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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